

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

William McArthur Abercrombie,)	Civil Action No.6:14-cv-1543-MGL
)	
Plaintiff,)	
)	
v.)	
)	
Det. Tony Lynch; City of Laurens)	<u>OPINION AND ORDER</u>
)	
Defendants.)	
_____)	

Plaintiff William McArthur Abercrombie (“Plaintiff”) filed this action against Det. Tony Lynch and the City of Laurens (“Defendants”) pursuant to 42 U.S.C. § 1983. (ECF No. 1.) In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Jacquelyn D. Austin for pretrial handling. This matter is now before the Court upon the Magistrate Judge’s Report and Recommendation filed on May 1, 2014, recommending this case be dismissed without prejudice and without issuance and service of process. (ECF No. 10.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made. Plaintiff was advised of his right to file objections to the Report and Recommendation. (ECF No. 10 at 8.) However, he has not done so and objections were due on May 19, 2014. In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy

itself that there is no clear error on the face of the record in order to accept the recommendation.”

Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir.2005).

After a careful review of the record, the applicable law, and the Report and Recommendation, the Court finds the Magistrate Judge’s recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and this action is DISMISSED without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/Mary G. Lewis
United States District Judge

June 3, 2014
Spartanburg, South Carolina